

How To File An Appeal

To initiate an appeal, you must simply file a notice of intent to appeal to the Board within **10 working days** after you have received the notice of the action (e.g., removal, demotion, suspension, notification of nonselection, or CAO grievance decision) you are appealing.

Alternatively, you may file a completed Appeal Form with the Board. A copy of the Appeal Form is available on the Board's website at:

**[montgomerycountymd.gov/
content/council/merit/index.asp](http://montgomerycountymd.gov/content/council/merit/index.asp)**

Where To File Appeals

Appeals or notices of intent to file an appeal should be sent to:

Merit System Protection Board
100 Maryland Avenue, Room 113
Rockville, MD 20850.

If you hand-deliver the appeal and the Board's office is closed you may put it in the office's mail slot.

You may also FAX your appeal to the Board at (240) 777-6624.

The Board will acknowledge in writing the receipt of your appeal.

You must also file a copy of your appeal with the Office of the County Attorney, 101 Monroe St., 3rd Floor, Rockville, Maryland 20850.

Staff Assistance

If you have questions about how to file an appeal or would like information about your appeal, you may contact the Board's staff at (240) 777-6620, Monday-Thursday, from 9:30 a.m. to 3:00 p.m. Please note that the Board's office is not open on Fridays.

You Do Not Need An Attorney To Represent You

You are not required to have an attorney to appeal to the Board. You may represent yourself. However, if you do select an attorney to represent you, you must notify the Board in writing.

Information To Support Your Appeal

Except for appeals involving removal, suspension or demotion, where a hearing is required, the Board generally decides an appeal based on the written record. It is important that your written appeal include all the facts and documents you wish the Board to consider.

Attorney's Fees

If you succeed in your appeal to the Board and you are represented by an attorney, the Board has the discretion to award attorney fees to you.

November 2006

MONTGOMERY COUNTY MERIT SYSTEM PROTECTION BOARD



**Montgomery County
Merit System Protection Board
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov**

Mission Statement

The Montgomery County Merit System Protection Board's (Board's) mission is to oversee and protect the merit system and protect employee and job applicant rights guaranteed under the merit system law.

Types of Appeals To The Board

There are three kinds of appeals that come within the Board's jurisdiction:

1. Appeal of a demotion, suspension, termination, dismissal or involuntary resignation;
2. Appeal of a Grievance Decision by the Chief Administrative Officer (CAO); and
3. Appeal of a denial of employment (i.e., a failure to be appointed or promoted).

Hearing Appeals

A merit system employee or a volunteer in the County's Fire and Rescue Service who is suspended, demoted or removed has the right to a hearing before the Board.

The law defines the term "removal" to include dismissal, involuntary resignation or abolishment of a merit system employee's position for reasons or circumstances determined by the Board as being other than a bona fide reduction of funds or work.

Grievance Appeals

An employee with merit status may appeal a grievance decision issued by the CAO to the Board by following the procedures outlined under the heading "How To File An Appeal".

In certain circumstances, you may file with the Board even if there is no final CAO decision. Specifically, under the County's grievance procedure, a grievant has the right to file a grievance at the next higher level if the supervisor, department director, or CAO, does not respond within the time limits specified in the grievance procedure.

Denial of Employment Appeals

Any applicant for employment or promotion to a merit system position may appeal the County's decision with respect to their application for appointment or promotion.

An appeal alleging that the County's decision on your application was arbitrary and capricious, illegal, based on political affiliation, failure to follow announced examination and scoring procedures, or other non-merit factors, may be filed directly with the Board.